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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,461	08/14/2001	Harley Kent Heinrich	411951-222	9058

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EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,461

Applicant(s)

HEINRICH ET AL.

Examiner

Son M Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 5-7, 10 and 14-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Schultz** [US 6,036,093].

Regarding to claims 1 and 10: Schultz discloses an apparatus for scanning radio frequency identification data from at least one RFID tag, comprising,

-a housing [70] containing at least a portion of an RFID scanner [77] and means [92, 93] for affixing the housing to a portion of an operator's body [as shown in Fig. 29 and Abstract, and col. 10, lines 33-39].

Regarding to claims 5 and 14: Schultz further discloses wherein the housing contains a power source [12] adapted to provide power for scanner [see Fig. 2 and col. 4, lines 43-45].

Regarding to claims 6 and 15: Schultz further discloses a strap [92, 93] adapted to affix the housing to a wrist of the operator.

Regarding to claims 7 and 16: Schultz further discloses a means met by transceiver for communicating said RFID data to an external system met by a base transceiver [as cited in the Abstract].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2-4 and 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schultz** [US 6,036,093].

Regarding to claims 2 and 11: Schultz discloses a scanner housing which comprising, an antenna [53], a radio transceiver and processor is inherent in the system in order to program.

Schultz does not specific disclose that the transceiver is coupled to the antenna and processor for controlling operation of the radio transceiver. However, it would have been obvious to one having ordinary skill in the art would coupled the transceiver to the antenna in order to transmit and receive any information and also uses the processor to control operation of the transceiver which had been programmed.

Regarding to claims 3-4 and 12-13: Schultz discloses a scanner housing with all the limitation as described in the claims above. Schultz does not specify that wherein the transceiver and the processor are disposed externally of said housing. However, as long as the transceiver and processor are being operated, employing any arrangement position for performing the same function would not constitute an inventive step but an obvious of design choice.

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Claims **8-9, 17-18 and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schultz** [US 6,036,093] in view of **Bard et al.** [US 5,610,387].

Regarding to claims 8 and 17: Schultz discloses the instant claimed invention except for: the means for communicating said RFID data to wireless local area network.

Bard et al. teach a scanning system worn on operator's body which comprising, a means for communicating data to a wireless local network component [col. 17, lines 57-63]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a component for communicating data through local network as taught by reference of Bard et al. into the system of Schultz, for the advantage of faster transmission, because the wireless local area network transceivers are available in the area.

Regarding to claims 9 and 18: Bard et al. further teach a transceiver for communicating which using an infrared frequency link [see col. 8, lines 1-2]. It would have been obvious in skill in the artisan would motivated to use any well-known frequency type (such as infrared) for it own purpose.

Regarding to claims 19-20: Schultz further discloses a trigger [94] for manually actuate the scanner [as cited in Fig. 29, col. 7, liens 1-9]. Schultz does not specify wherein the scanner is automatically scans without manual intervention by the operator.

Bard et al. teach a scanning system which comprising, an automatically actuation the scan when the RFID tag in proximity to said housing [as shown in Fig. 2, col. 9, lines 40-52]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an automatic actuation component as taught by Bard et al. into the system of Schultz for the advantage of convenience and conserve energy.

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Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curry et al.[US 2002/0030094], Bunte et al. [US 5,873,070], Schultz [US 5,587,577], Ghazarian [US 2002/0089434], Blevins [US 5,272,324], Quick et al. [US 5,212,372], Lebby et al. [US 6,158,884] and Tierney et al. 4,766,299].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3988 for regular communications and (703)305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Son Tang
February 25, 2003


DANIEL J. WU
PRIMARY EXAMINER
2/9/03